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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/537,240	03/28/2000	JAMES A. TRUC	P155.12-0047	4835
164	7590	06/01/2004	EXAMINER	
KINNEY & LANGE, P.A. THE KINNEY & LANGE BUILDING 312 SOUTH THIRD STREET MINNEAPOLIS, MN 55415-1002			DIEP, NHON THANH	
		ART UNIT		PAPER NUMBER
		2613		
DATE MAILED: 06/01/2004				

Please find below and/or attached an Office communication concerning this application or proceeding.

Re

Advisory Action	Application No.	Applicant(s)
	09/537,240 Examiner Nhon T Diep	TRUC ET AL. Art Unit 2613

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 14 May 2004 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. Therefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may only be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114.

PERIOD FOR REPLY [check either a) or b)]

- a) The period for reply expires 3 months from the mailing date of the final rejection.
- b) The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.
ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

1. A Notice of Appeal was filed on _____. Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.
2. The proposed amendment(s) will not be entered because:
 - (a) they raise new issues that would require further consideration and/or search (see NOTE below);
 - (b) they raise the issue of new matter (see Note below);
 - (c) they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
 - (d) they present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____.

3. Applicant's reply has overcome the following rejection(s): Rejections to claims 15-16, 18-35.
4. Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
5. The a) affidavit, b) exhibit, or c) request for reconsideration has been considered but does NOT place the application in condition for allowance because: _____.
6. The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.
7. For purposes of Appeal, the proposed amendment(s) a) will not be entered or b) will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

The status of the claim(s) is (or will be) as follows:

Claim(s) allowed: 18-35.

Claim(s) objected to: 15 and 16.

Claim(s) rejected: 1-14, 17 and 39.

Claim(s) withdrawn from consideration: 36-38.

8. The drawing correction filed on _____ is a)a) approved or b)b) disapproved by the Examiner.

9. Note the attached Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____.

10. Other: see attached sheets.



NHON DIEP
PRIMARY EXAMINER

Response to Arguments

Applicant's arguments filed 5/14/2004, with regard to claims 1-14, 17 and 39 have been fully considered but they are not persuasive.

With regard to the applicants' argument that Difrancesco is not believe to show or suggest the specific claimed combination of film-type selection device and an adjustment device, wherein the adjustment device is responsive to the manual adjustment of the film type selection device to automatically change the position of both the lens and the light sensor to provide proper focus for the selected type of film (page 10, ln. 30-35). The examiner respectfully disagrees, since claims 1-6, 9, 11-14 and 39 are rejected under 35 U.S.C. 103(a) and even though, the examiner agrees that DiFrancesco does not particularly disclose film type selection means for **manually** selecting a type of film to be scanned; adjustment means responsive to the film type selection means for **automatically** changing the position of the lens and the position of the light sensor to provide proper focus for the selected type of film; however, since DiFrancesco teaches that the scanner as disclosed can be used to scan a wide variety of images stored on a semi-transparent medium, for example, single negatives and film of varying sizes and convert images to digital or analog signals (col. 3, ln. 66 – col. 4, ln. 3) and therefore it would have been obvious to one of ordinary skilled in the art at the time the invention was made to modify the current scanner of DiFrancesco by providing a selection means for selecting a type of film to be scanned, manually or automatically so his scanner can be used to scan a wide variety of film type as taught and then in order to provide proper focus for the selected type of film, automatically changing the

position of the lens and the position of the light sensor. Doing so would help to speed up the scanning process.

With regard claims 7-8 and 17, Gu teaches a system and methods automated color correction includes means for adjusting a gain of the pixel data and an offset of the pixel data (col. 16, ln. 44-59) and that these adjustments are programmable (col. 11, ln. 64 – col. 12, ln. 19) as specified in claims 7-8, therefore, it would have been obvious to one of ordinary skilled in the art at the time the invention was made to modify the system of DiFrancesco by applying the teaching of Gu with regard to gain and offset adjustments. Doing so would help to produce a better image quality; and Yamasaki teaches a film frame number bar-code sensor 42 provided near the film carrier 34 senses the frame number information bar code on the film 8 as shown in FIG. 3B. A film identification code reader 43 reads the film identification code as specified in claim 17, therefore, it would have been obvious to one of ordinary skilled in the art at the time the invention was made to modify the system of DiFrancesco to provide a code sensor to read coded data. Doing so would help to speedily and accurately read important coded data.

Having answered all of issues raised by the applicants, the examiner maintains all of his rejections with respect to claims 1-14, 17 and 39 as set forth in the previous Office Action (paper #6).